

ENTERED

August 16, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

KIMBERLY YATES,

Plaintiff.

V.

EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendant.

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CIVIL ACTION NO. 3:22-cv-00143

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On September 8, 2022, Defendant's Motion to Compel Arbitration and Stay Proceedings Pending Arbitration (Dkt. 25) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 26. Judge Edison filed an amended memorandum and recommendation on July 25, 2023, recommending the motion be granted. Dkt. 32.


No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's amended memorandum and recommendation (Dkt. 32) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant's Motion to Compel Arbitration and Stay Proceedings Pending Arbitration (Dkt. 25) is granted; and

- (3) This case is stayed and administratively closed. In the event the arbitrator decides that the claims identified in Plaintiff's Complaint are not arbitrable, the parties may seek to lift the stay and this case will proceed to judgment. If the arbitrator finds that Plaintiff's claims are arbitrable, the Court will entertain a motion to confirm an arbitration award after the arbitration's conclusion.

SIGNED on Galveston Island this 16th day of August 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE